

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: RQR-21344 - APPLICANT: CLEAR CHANNEL OUTDOOR -
OWNER: FERRIS INVESTMENTS, INC.**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. If the existing off-premise sign is voluntarily demolished, this Variance shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Two Year Review of an approved Variance [V-0026-88] which allowed a 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at a height of 65 feet where 40 feet is the maximum height allowed at 2002 Highland Avenue.

This is the fifth review of the subject Off-Premise Advertising (Billboard) Sign. The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have building permits, fails to meet the required separation distance from residential property, and needs to be repainted. Denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/15/88	The City Council approved a Variance (V-0026-88), which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended denial on 05/26/88.
07/21/93	The City Council approved a Required Review [V-0026-88(1)] of an approved Variance, which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 06/22/93.
07/27/98	The City Council approved a Required Review [V-0026-88(2)] of an approved Variance, which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 07/07/98.
04/16/03	The City Council approved a Required Review (RQR-1704) of an approved Variance [V-0026-88(2)], which allowed a 65-foot high, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign where 40 feet was the maximum height allowed on this site, subject to a two-year review. The Planning Commission recommended approval on 02/27/03. Staff recommendation was for denial.
06/01/05	The City Council approved a request for a Required Two Year Review (RQR-6150) of an approved Required Review (RQR-1704) which allowed a 14-Foot by 48-Foot Off-Premise Advertising (Billboard) Sign at a height of 65 feet where 40 feet is the maximum height allowed at 2002 Highland Avenue. The Planning Commission and staff recommended approval.

08/09/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #25/ng).
Related Building Permits/Business Licenses	
There are no permits or licenses related to this request.	
Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
05/30/07	A field inspection was conducted and photographs were taken. It was noted that the supporting structure was in need of paint.

Details of Application Request	
Site Area	
Net Acres	0.30

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
North	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
South	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
East	Commercial/Industrial	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Right of Way	I-15 Right of Way	I-15 Right of Way

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	<i>Code Requirement</i>	<i>Provided</i>	<i>Compliance</i>
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Not located within the Exclusionary Zone	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a M (Industrial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 SF	Y
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 65 feet from grade	N*
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Off-Premise Advertisement (Billboard)	At least 750 feet to another Off Premise Sign	580 feet to another Off Premise Sign	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	280 feet from "R" zoned property to the east.	N

Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y
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* This height was approved through the original Variance application.

ANALYSIS

This is the fifth review of the subject Off-Premise Advertising (Billboard) Sign. The area around the subject Off-Premise Advertising (Billboard) Sign has not changed since the last review. The site inspection yielded that the supporting structure shall require repainting. The Off-Premise Advertising (Billboard) Sign does not meet the required separation distance from the “R” zoned property to the west. Additionally, there are no building permits for the Off-Premise Advertising (Billboard) Sign. Due to these reasons, denial of this request is recommended.

FINDINGS

The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have building permits, fails to meet the required separation distance from residential property, and needs to be repainted. Denial of this request is recommended.

PLANNING COMMISSION ACTION

Applicant agreed to obtain all necessary permits and finals.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 144 by City Clerk

APPROVALS 0

PROTESTS

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